IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 204 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/06/2004 in WP NO: 17802 OF 1997 on the file of the High Court.)

Between:

1 D. Eswaraiah, S/o. D. Ramaiah, 41 years.
2 E. Rama Murthy, S/o. T. Eswaraiah,46 years.
3 K. Surendra, S/o. K. Kandaswamy Vodiyar,42 years.

4 N. Manavalaiah, S/o. L.S. Narayana,about 45 years.
5 N. Krishna Murthy, S/o L. S. Narayana,aboiut 44 years.
(All are working as Flower Tiers in the O/o. TTD Devasthanam, Tirumala Tirupathi, Chittoor District.)

APPELLANTS.

AND

1 The Tirumala Tirupathi Devasthanams, Rep by its Executive Officer, Tirupathi, Chittoor District.
2 The Chairman-Cum-Presiding Officer, Industrial Tribunal -Cum-Labour Court, Anantapur.

(Respondent No.2 is not necessary in this appeal)

RESPONDENTS

Counsel for the Appellants : MR.P.RAGHAVENDRA REDDY

Counsel for the Respondents: MR.A.K.JAYAPRAKASH RAO

The Court made the following:

JUDGMENT: (Per the Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the workmen-appellants herein aggrieved by the order in W.P. No: 17802 of 1997, dated 18th June, 2004 under which the learned single Judge allowed the said writ petition to the extent indicated therein.

The appellants herein are the workmen and the 1st respondent herein is the Tirumala Tirupathi Devasthanam.

Originally, the workmen have filed an application in M.P.No.62 of 1994 before the Labour Court, Ananthapur, under Section 33-C(2) of the Industrial Disputes Act seeking to compute the benefits due to them in terms of money and to direct the Devasthanam to pay the same to them. The learned Labour Court, Ananthapur, after considering the rival contentions of both the parties, allowed the petition directing the Devasthanam to pay a sum of Rs.30,537-85ps each to the workmen within four months from the date of that order failing which the said amount shall carry simple interest at Rs.6% per annum. Aggrieved by the same, the present writ petition is filed seeking direction to call for records in M.P.No.62 of 1994 and quash the order dated 25-3-1997 in M.P.No.62 of 1994. The learned single Judge having observed that the learned Labour Court has no jurisdiction to entertain the petition under Section 33-C(2) of the Act, allowed the petition setting aside the order impugned. Aggrieved by the same, the present writ appeal is preferred by the workmen.

Heard the learned counsel on either side.

We have Perused the order impugned and the material available on record.

It is contended by the learned counsel appearing for the workmen that though the workmen were appointed as Gardners, their services are being utilized as “Flower Tiers” from the date of their appointment and therefore, they are entitled to the salary on part with the “Flower Tiers” and therefore, the order of the learned Tribunal would not warrant any interference.

On the contrary, it is submitted by the learned counsel for the Devasthanam that the order of the learned single Judge does not warrant any interference by this Court.

Admittedly, the workmen were appointed as Gardners. At the same time, it may be true that their services are being utilized for the purpose other than the Gardners. But, as rightly observed by the learned single, the provisions of section 33 C (2) of the Industrial Disputes Act will not come into the picture and the petition filed thereunder, is not maintainable. Therefore, We see no merits to entertain this appeal and the same is liable to be dismissed.

Accordingly, the writ appeal is dismissed confirming the order of the learned single Judge. No costs.

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Justice T.Meena Kumari

Date : 11th February, 2005

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Justice S.Ananda Reddy

Dvs/Gurc.

Copies to:

1. The Executive Officer,The Tirumala Tirupati Devasthanams, Tirupati,Chittoor District. A.P.

2. Two CD copies.

THE HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No: 204 OF 2005

(Judgment delivered by Smt.Justice T.Meenakumari)

11th FEBRUARY, 2005